"That leave be granted to introduce the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Bills 1984".

Mr. Deputy Speaker.—The question is :

"That leave be granted to introduce the Mysore (Religious and Charitable Inams Abolition (Karnataka Amendment) Bill, 1984"

The motion was adopted and leave was granted.

Sri V.-L. Patil (Minister for Revenue).—Sir, I beg to introduce the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Bill, 1984.

Mr. Deputy Speaker.—The Bill is introduced.

THE KARNATAKA EDUCATION BILL, 1983

Motion to consider

Sri B. Rachaiah (Minister for Education).—Sir, I beg to move :

"That the Karnataka Education Bill, 1983, as reported by the Joint Select Committee, be taken into consideration"

The question was proposed

ಶ್ರೀ ರಾಚಯ್ಯ (ವಿದ್ಯಾ ಮಂತ್ರಿಗಳು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಕರ್ನಾಟಕ ರಾಜ್ಯದಲ್ಲಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಉತ್ತಮವಾದ ವ್ಯವಸ್ಥೆ ಮತ್ತು ವಿದ್ಯಾಭ್ಯಾಸದ ಕ್ರಮಬದ್ಧವಾಗಿ ಒಳ್ಳೆಯ ಶಿಸ್ತು ಮತ್ತು ಹತೋಟಿಯ ದೃಷ್ಟಿಯಿಂದ ಒಂದು ಸಮಗ್ರ ಶಿಕ್ಷಣ ಮಸೂದೆಯನ್ನು ರಚನೆ ಮಾಡಬೇಕೆಂಬ ಬಹಳ ಕಾಲದ ಬೇಡಿಕೆಯನ್ನು ಈ ಸರಕಾರ ಪರಿಶೀಲನೆ ಮಾಡಿದೆ. ದಿವಂಗತ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ, ಅವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನೇಮಕವಾದಂತಹ ಒಂದು ಸಮಿತಿಯು 1974ರಲ್ಲಿ ಸರಕಾರಕ್ಕೆ ಪ್ರಥಮವಾಗಿ ಒಂದು ಶಿಫಾರಸ್ಸನ್ನು ಮಾಡಿತು. 1978ರಲ್ಲಿ ಸರಕಾರ ರಾಜ್ಯದಲ್ಲಿ ಶಿಕ್ಷಣ ಪ್ರಗತಿಯ ಮತ್ತು ವ್ಯಾಪಾರಿ ಪ್ರವೃತ್ತಿಯನ್ನು ತಡೆಗಟ್ಟಲು ಈ ಎಲ್ಲಾ ವಿಷಯಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಒಂದು ಕರಡು ಮಸೂದೆಯನ್ನು ತಯಾರಿಸಲು ಶ್ರೀ ಎ. ಸಿ. ದೇವೇಗೌಡರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಒಂದು ಸಮಿತಿಯನ್ನು ನೇಮಿಸಿತು. ಅವರು 1980ರಲ್ಲಿ ಒಂದು ಕರಡು ಮಸೂದೆಯನ್ನು ತಯಾರು ಮಾಡಿ ಸರಕಾರಕ್ಕೆ ನೀಡಿದರು. ಇದಾದ ಮೇಲೆ ಎ. ಸಿ. ದೇವೇಗೌಡರು, ಪ್ರೊಫೆಸರ್ ರೋಹಿಡೇಕರ್ ಮತ್ತು ಸಿಕ್ವೇರಿಯಾ ಅವರನ್ನೊಳಗೊಂಡಂತೆ ಒಂದು ಉಪ ಸಮಿತಿಯನ್ನು ನೇಮಿಸಿ ಅವರು ಒಂದು ಕರಡು ಮಸೂದೆಯನ್ನು ತಯಾರಿಸಲು ಆದೇಶ ನೀಡಿತು. ಈ ಒಂದು ಮಸೂದೆ ಈ ಸಂಸ್ಥೆಗಳನ್ನು ಒಂದು ಕಾನೂನಿನ ಚೌಕಟ್ಟಿನೊಳಗೆ ತರಬೇಕೆಂದು ಮಾಡಿ, ಕಾನೂನು ಇಲಾಖೆ ಮತ್ತು ಶಿಕ್ಷಣ ಇಲಾಖೆಯವರು ಈ ವಿಷಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಚರ್ಚೆಮಾಡಿ 1983-84ರಲ್ಲಿ ಶಾಸನ ಸಭೆಯಲ್ಲಿ ಆಶ್ವಾಸನೆ ಕೊಟ್ಟಂತೆ 83ರ ಮಾರ್ಚ್‌ನಲ್ಲಿ ಈ ಮಸೂದೆಯನ್ನು ತಯಾರು ಮಾಡಿ, ಸರಕಾರ 29-6-83ರ ರಲ್ಲಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಇದನ್ನು ಪ್ರಕಟಿಸಿತು. 18-8-83ರಲ್ಲಿ ಇದನ್ನು ಸಂಯುಕ್ತ ಸಮಿತಿಗೆ ಒಪ್ಪಿಸಿತು. ಅವರು ಈ ಸಮಿತಿಯ ವರದಿಯನ್ನು ಸಭೆಗೆ 12-1-84ರಂದು ಮಂಡಿಸಲಾಯಿತು.

ವಿದ್ಯಾರ್ಥಿಗಳ ಮಾನಸಿಕ ಮತ್ತು ದೈಹಿಕ ಸಾಮರ್ಥ್ಯಗಳನ್ನು ಅಭಿವೃದ್ಧಿಪಡಿಸುವ ಮತ್ತು ಶಿಕ್ಷಣದ ಮೂಲಕ ವೈಜ್ಞಾನಿಕ ಮತ್ತು ಜಾತ್ಯಾತೀತ ಮನೋಭಾವ ಬೆಳೆಸುವ ದೃಷ್ಟಿಯಿಂದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಯೋಜಿತ ಅಭಿವೃದ್ಧಿ ಆರೋಗ್ಯಕರವಾದ ಶಿಕ್ಷಣವನ್ನು ಕಲಿಸುವುದು, ನಿರ್ವಹಣೆ ಮತ್ತು ಶಿಕ್ಷಣ ಮಟ್ಟದಲ್ಲಿ ಸುಧಾರಣೆ ಮಾಡುವುದು ಮತ್ತು ಉತ್ತಮ ಸಂಘಟನೆ, ಶಿಸ್ತು ಮತ್ತು ರಾಜ್ಯದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಮೇಲೆ ನಿಯಂತ್ರಣಕ್ಕಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸುವುದು ಅಗತ್ಯವೆಂದು ಕಂಡುಬಂದಿದೆ.

ಮೊಟ್ಟ ಮೊದಲನೆಯದಾಗಿ ವಿಶ್ವವಿದ್ಯಾನಿಲಯಗಳ ನೇರ ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಏನು ಇವೆಯೋ ಮತ್ತು ರಾಷ್ಟ್ರ ಪ್ರಖ್ಯಾತಿಯನ್ನು ಪಡೆದಿರತಕ್ಕಂತಹ ಅವುಗಳನ್ನು ಒಂದು

ಸುವ್ಯವಸ್ಥಿತ ಚೌಕಟ್ಟಿನಲ್ಲಿ ತರತಕ್ಕದ್ದು ಇದರ ಒಂದು ಗುರಿಯಾಗಿದೆ. ಇದರಲ್ಲಿ ಬಹಳ ಮುಖ್ಯವಾದದು, ಟ್ಯೂಟೋರಿಯಲ್ ಇವುಗಳನ್ನು ನಡೆಸಿಕೊಂಡು ಹೋಗುವವರು ತಮ್ಮ ಸಂಸ್ಥೆಯನ್ನು ರಿಜಿಸ್ಟರ್ ಮಾಡಿಕೊಳ್ಳಬೇಕು. ಎರಡನೆಯದಾಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಮಾನ್ಯತೆ ಕೊಡಬೇಕು. ಮೂರನೆಯದಾಗಿ ಪ್ರವೇಶವನ್ನು ನಿರ್ಧರಿಸತಕ್ಕ ನಿಯಮವನ್ನು ನಿಗದಿ ಮಾಡತಕ್ಕದ್ದು. ನನಗೆ ತಿಳಿದ ಹಾಗೆ ದುರ್ಬಲ ವರ್ಗದವರಿಗೆ, ಹಿಂದುಳಿದವರಿಗೆ, ಈ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಪ್ರವೇಶಾವಕಾಶ ದೊರಕುತ್ತಿಲ್ಲ. ಅದಕ್ಕೆ ಅವರಿಗೆ ಹೆಚ್ಚಿನ ಪ್ರೋತ್ಸಾಹ ಕೊಡತಕ್ಕದ್ದು. ಮತ್ತು ಹರಿಜನ, ಗಿರಿಜನರಿಗೆ ಮಾಸಲಾತಿಯನ್ನು ಗೊತ್ತು ಮಾಡತಕ್ಕದ್ದು. ಶಿಕ್ಷಣ ಮಾಧ್ಯಮವನ್ನು ಮತ್ತು ಮೌಲ್ಯ ಮಾಪನ ಹಾಗೂ ಶಿಕ್ಷಣ ಶುಲ್ಕ ಮತ್ತು ಪಠ್ಯ ಪುಸ್ತಕಗಳನ್ನು ನಿಗದಿ ಮಾಡತಕ್ಕದ್ದು. ಕಾನೂನು, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಮುಂತಾದ ವಿದ್ಯಾಭ್ಯಾಸದ ಬಗ್ಗೆ ಒಂದು ಮಂಡಳಿಯನ್ನು ರಚಿಸಲಾಗಿದೆ. ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ಮಸೂದೆಯನ್ನು ಇಲ್ಲಿ ಪೂರ್ಣವಾಗಿ ಅಳವಡಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಪರೀಕ್ಷೆಗಳನ್ನು ಸುಧಾರಣೆ ಮಾಡಿ, ನಡೆಯ ತಕ್ಕ ದಾರಾಭ್ಯಾಸಗಳನ್ನು ತಡೆಗಟ್ಟಬೇಕೆಂದು 1982ನೇ ಇಸವಿಯಲ್ಲಿ ಪರೀಕ್ಷೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಸೂದೆಯನ್ನು ತರಲಾಗಿದ್ದು ಅದು ಪಾಸಾಗಬೇಕಾಗಿದೆ. ಅದನ್ನು ಇಲ್ಲಿ ಸೇರಿಸಿದ್ದೇವೆ. ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಭೋದಕ ಸಂಸ್ಥೆಗಳು ತಮ್ಮ ನೋಂದಣಿಯನ್ನು ನೋಂದಾಯಿಸಿಕೊಳ್ಳಬೇಕು. ಅಗತ್ಯವಾದಲ್ಲಿ ತಜ್ಞರ ಸಮಿತಿ ವರದಿಯ ಆಧಾರದ ಮೇಲೆ ಹಣಕಾಸಿನ ನೆರವನ್ನು ಒದಗಿಸುವಂತಹ ಸೌಲಭ್ಯಗಳನ್ನು, ಇವೆಲ್ಲವನ್ನೂ ಪರಿಗಣಿಸಿ ಅವರು ನೋಂದಣಿ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿದ್ದೇವೆ. ಈ ಒಂದು ಶಿಕ್ಷಣ ಮಸೂದೆಯಲ್ಲಿ ಆಧುನಿಕ ಶಿಕ್ಷಣ ನಡೆಸತಕ್ಕ ರೀತಿಯಲ್ಲಿ ಅವಕಾಶವನ್ನು ಅಳವಡಿಸಿದ್ದೇವೆ ಮತ್ತು ಅವುಗಳ ಕಾರ್ಯ ವಿಧಾನಗಳನ್ನು ಗೊತ್ತು ಪಡಿಸಬೇಕಾಗಿದೆ. ಹಾಗೆಯೇ ಮಾನ್ಯತೆಯನ್ನು ರದ್ದು ಮಾಡತಕ್ಕದ್ದು. ಪೋಷಕ ವರ್ಗದವರಿಗೆ ಪ್ರಾತಿನಿಧ್ಯವನ್ನು ಕೊಡುವುದು ಹಾಗೂ ಆಡಳಿತ ಮಂಡಳಿಯಲ್ಲಿ ಪ್ರಾತಿನಿಧ್ಯ ಕೊಡುವುದನ್ನು ಇದರಲ್ಲಿ ಸೇರಿಸಿದ್ದೇವೆ. ವಿದ್ಯಾಸಂಸ್ಥೆಗಳಲ್ಲೆಲ್ಲ ಹೆಚ್ಚಿನ ಶುಲ್ಕವನ್ನು ಪಡೆಯುವುದನ್ನು ನಿಯಂತ್ರಿಸುವುದರ ಬಗ್ಗೆ 8ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಒಂದು ಅವಕಾಶವನ್ನು ನಾವು ಮಾಡಿಕೊಟ್ಟಿದ್ದೇವೆ. ಅನುದಾನ ಮಂಜೂರು ಮಾಡುವ ವಿಷಯದ ಬಗ್ಗೆ 9ನೆಯ ಅಧ್ಯಾಯದಲ್ಲಿ ಅವಕಾಶವನ್ನು ಸೇರಿಸಿದ್ದೇವೆ.

(ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರು ಪೀಠವನ್ನು ಅಲಂಕರಿಸಿದರು)

ಅನುದಾನ ಪಡೆಯತಕ್ಕಂತಹ ಸಂಸ್ಥೆಗಳ ಲೆಕ್ಕವತ್ರಗಳ ತಪಾಸಣೆ ಮಾಡತಕ್ಕದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಲಾಗಿದೆ. ಇದನ್ನು 10ನೆಯ ಅಧ್ಯಾಯದಲ್ಲಿ ಸೇರಿಸಿದ್ದೇವೆ. ಹಾಗೆಯೇ ಈ ಮಸೂದೆಯ ಪ್ರಕಾರ ಅನುದಾನವನ್ನು ಪಡೆಯತಕ್ಕವರು ಅವರ ಆಸ್ತಿಪಾಸ್ತಿಗಳನ್ನು ವರ್ಗಾವಣೆ ಮಾಡಕೂಡದು, ಇದನ್ನು ನಿಷೇಧ ಮಾಡಲು ಅವಕಾಶವಿದೆ. 11ನೆಯ ಅಧ್ಯಾಯದಲ್ಲಿ ಇದನ್ನು ಸೇರಿಸಿದ್ದೇವೆ. ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯವರುಗಳ ಆಸ್ತಿ ಪಾಸ್ತಿಗಳನ್ನು ತಡೆಗಟ್ಟಲು ಮಟ್ಟ ಹಾಕಿಕೊಳ್ಳುವ ಮತ್ತು ಹತೋಟಿ ನಿಯಂತ್ರಣ ಮಾಡತಕ್ಕದ್ದಕ್ಕೆ 12ನೆಯ ಅಧ್ಯಾಯದಲ್ಲಿ ಅವಕಾಶವನ್ನು ಸೇರಿಸಿದ್ದೇವೆ, ಹಾಗೆಯೇ 13ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಮಾನ್ಯತೆ ಪಡೆದ ಆನ್ಸೀಲರಿ ಸರ್ವಿಸಸ್ ಪಡೆಯುವುದಕ್ಕೆ ಅವಕಾಶವನ್ನು ಮಾಡಿದ್ದೇವೆ. 14ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಶಿಸ್ತು ಮತ್ತು ಹತೋಟಿ, ಅವುಗಳ ಸಿಬ್ಬಂದಿ ನಿಯಮಗಳ ಬಗ್ಗೆ ಹಾಗೂ ನಿಯಂತ್ರಣದ ಬಗ್ಗೆ ಅವಕಾಶವನ್ನು ಮಾಡಿದ್ದೇವೆ. ಅಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವಂತಹ ಉಪಾಧ್ಯಾಯರುಗಳ ಆಸ್ತಿಪಾಸ್ತಿಗಳ ಪಟ್ಟಿ ಹೊಂದುವುದು, ಅವರ ಕೋಡ್ ಆಫ್ ಕಾಂಡಕ್ಟ್, ಮುಂತಾದ ವಿಚಾರಗಳ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ವಿಧೇಯಕಗಳನ್ನು ನಾವು ಮಾಡಿದ್ದೇವೆ. ಆಸ್ತಿಪಾಸ್ತಿಗಳ ಪರಭಾರೆ ಮಾಡುವುದನ್ನು ತಡೆಗಟ್ಟಲು ಮತ್ತು ಹತೋಟಿ ಇಟ್ಟುಕೊಳ್ಳಲು 15ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿದೆ. ಹಾಗೆಯೇ ರಾಜ್ಯ ಸಲಹಾ ಪರಿಷತ್ತು, ಸಲಹಾ ಸಮಿತಿ, ರಚನೆ ಮಾಡತಕ್ಕದ್ದನ್ನು 16ನೆಯ ಅಧ್ಯಾಯದಲ್ಲಿ ಸೇರಿಸಿದ್ದೇವೆ. ಅಪರಾಧಗಳಿಗೆ ಶಿಕ್ಷೆ ವಿಧಿಸಲಿಕ್ಕೆ ಕೂಡ ಅವಕಾಶಗಳನ್ನು ಅಧ್ಯಾಯ 17ರಲ್ಲಿ ಮಾಡಿದ್ದೇವೆ. ಅಪರಾಧಗಳನ್ನು ಗುರುತಿಸಲಿಕ್ಕೆ ಮತ್ತು ಮಸೂದೆಯ ನಿಯಮಗಳು ಮತ್ತು ಕಲಮುಗಳು ಭಾರತದ ಸಂವಿಧಾನದ ಕಲಮುಗಳ ವಿರುದ್ಧವಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳಲು ಅವಕಾಶಗಳನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ. 18ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಭಾಷಾ ಅಲ್ಪಸಂಖ್ಯಾತರಿಗೆ ಮತ್ತು ಮತೀಯ ಅಲ್ಪಸಂಖ್ಯಾತರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ರಕ್ಷಿಸುವುದಕ್ಕೋಸ್ಕರ ಅವಕಾಶವನ್ನು ಮಾಡಲಾಗಿದೆ. ಉಭಯ ಸದನಗಳ ಜಂಟಿ ಸಲಹಾ ಸಮಿತಿ 8 ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾಡಿದೆ. ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಾಲಾ ಶಿಕ್ಷಣದ ಮುಖ್ಯ ಉದ್ದೇಶಗಳನ್ನು ಇದರಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲೇಖಿಸಿದೆ. ಮೊದಲನೆಯದಾಗಿ—ಸಂವಿಧಾನದ ಅಂತರ್ಗತವಾದಂತಹ ನಾಗರೀಕರ ಮೂಲಭೂತ ಬಾಧ್ಯತೆಗಳ ವಿಚಾರವಾಗಿ ಒತ್ತಿಹೇಳಿದೆ. ಮತ್ತು

ನೀತಿಭೋಧೆಗೆ, ಪ್ರಾಶಸ್ತ್ಯ ಕೊಡಲಾಗಿದೆ. ಎರಡನೆಯದಾಗಿ—ಹಿಂದುಳಿದ ಜನಾಂಗಗಳು, ಆದರಲ್ಲಿ ಕೂಡ ಆರ್ಥಿಕವಾಗಿ ಹಿಂದುಳಿದ ದುರ್ಬಲ ವರ್ಗದವರಿಗೆ ಶಿಕ್ಷಣದಲ್ಲಿ ಉತ್ತೇಜನ ಕೊಡಕ್ಕಕ್ಕೆ ಪ್ರಾಧ್ಯಾನತೆ ಕೊಡಲಾಗಿದೆ. ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಬುಡಕಟ್ಟು ಜನಾಂಗ ಜೊತೆಗೆ ಹಿಂದುಳಿದ ಪಂಗಡದವರಿಗೆ ಕೂಡ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ನೇಮಕ ಮಾಡುವಾಗ ಮಿಸಲಾತಿ ಕೊಡಬೇಕೆಂದು ನಿರ್ಧರಿಸಲಾಗಿದೆ. ಮೂರನೆಯದಾಗಿ—ಈ ಹಿಂದೆಯೇ ಚ್ಯುತಿ ಹೊಂದಿದ 1982ರ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಪರೀಕ್ಷೆಗಳ ಪದ್ಧತಿ ಮಸೂದೆ ಮೇಲಿನ ಜಂಟಿ ಸಮಿತಿಯ ಪರಿಶೀಲನೆಗಳಿಂದ ದುಷ್ಕೃತ್ಯಗಳು ಮತ್ತು ದುರ್ವರ್ತನೆಗಳು ಮತ್ತು ಅದಕ್ಕೆ ಶಿಕ್ಷೆಗಳು—ಈ ಭಾಗ ಮತ್ತು ಈ ವಿಚಾರದಲ್ಲಿ ಮಾಡಿದ ವರದಿಯನ್ನು ಇದರಲ್ಲಿ ಅಳವಡಿಸಲಾಗಿದೆ. ನಾಲ್ಕನೆಯದಾಗಿ—ಖಾಸಗಿ ಪಾಠ ಹೇಳುವುದನ್ನು ನಿಷೇಧಿಸಿದ್ದೇವೆ. ಐದನೆಯದಾಗಿ—ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ತಮ್ಮ ನೌಕರರಿಗೆ ಪಡುವಳಿಕೆ ನೀತಿಯನ್ನು ಸರ್ಕಾರದ ಪೂರ್ವ ಅನುಮತಿ ಪಡೆದು ಅವರಿಗೆ ವಿಧಿಸಬಹುದಾಗಿರತಕ್ಕಂತಹ ; ಸರ್ಕಾರ ವಿಧಿಸುವ ನೀತಿಗೆ ವಿರುದ್ಧ ಆಗಬಾರದಂತೆ ಕೆಲವು ನಿಯಮಗಳನ್ನು ರಚಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶ ಇವೆ. ಹಾಗೆಯೇ ಅನುದಾನ ಪಡೆಯುತ್ತಿರುವ ಸಂಸ್ಥೆಗಳು ಅಥವಾ ಶಾಲೆಗಳಿಗೆ ಸರ್ಕಾರ ಅದನ್ನು ನೇಮಿಸಬಹುದು. ಆರನೆಯದಾಗಿ—ಒಬ್ಬ ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು ಅಫೀಲ್‌ಗಳು—ಖಾಸಗೀ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲೇ ಆಗಲಿ, ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಏನಾದರೂ ಡಿಸ್‌ಪ್ಯೂಟ್ ಬಂದರೆ ಟ್ರಿಬ್ಯುನಲ್ ಮಾಡಿ, ಆದಕ್ಕೆ ಜಿಲ್ಲಾ ಮಟ್ಟದ ಒಬ್ಬ ನ್ಯಾಯಾಧೀಶರಿದ್ದು ಅವರ ವಶಕ್ಕೆ ಒಪ್ಪಿಸಬೇಕೆಂದು ಅವಕಾಶ ಮಾಡಿದ್ದೇವೆ. ಒಬ್ಬರೆ ಒಬ್ಬರು ನ್ಯಾಯಾಧೀಶರು ಇರುತ್ತಾರೆ. ಏಳನೆಯದಾಗಿ—ವಾಣಿಜ್ಯ ಶಿಕ್ಷಣ ಮತ್ತು ವಾಣಿಜ್ಯ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ಬೇರ್ಪಡಿಸಿ, ಅವುಗಳಿಗೆ ಬೇರೆ ಬೇರೆ ರೀತಿಯ ಅರ್ಥ ವಿವರಣೆಯನ್ನು ಇದರಲ್ಲಿ ಕೊಡಲಾಗಿದೆ. ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಬೋರ್ಡಿನ ಮುಖ್ಯ ಕರ್ತವ್ಯಗಳನ್ನು ಇದರಲ್ಲಿ ಹೇಳಿದೆ. ವಯಸ್ಕರ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ ಮತ್ತು ವೃತ್ತಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ, ಸ್ಥಾಯಿ ಸಮಿತಿಗಳನ್ನು ನೇಮಿಸಬೇಕೆಂದು ಹೇಳಿ ಅದನ್ನು ಕೂಡಾ ಅಳವಡಿಸಿದ್ದೇವೆ. ಎಂಟನೆಯದಾಗಿ—ಸರ್ಕಾರದ ಅಧಿಕಾರವನ್ನು ಪ್ರತಿನಿಧಿಸುವುದಕ್ಕೆ ಮತ್ತು ತಪಾಸಣೆ ಮಾಡಿ ಕಾಗದ ಪತ್ರಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಲಾಗಿದೆ. ನಿರಶನದ ವಿಚಾರದ ಕಾಲವನ್ನು ವಿಷಧೀಕರಿಸಿ ಕಾಯ್ದೆ ಕೆಳಗೆ ನಿಯಮಗಳು ಆಗುವ ತನಕ ಈಗಿರುವ ಆದೇಶಗಳನ್ನು ಊರ್ಜಿತವಾಗಿರುವಂತೆ ಮಾಡಲು ಇದರಲ್ಲಿ ಅವಕಾಶ ಮಾಡಿಕೊಂಡಿದ್ದೇವೆ. ಜಂಟಿ ಸಲಹಾ ಸಮಿತಿಯವರ 8 ತಿದ್ದುಪಡಿಗಳೊಡನೆ ಈ ಮಸೂದೆಯನ್ನು ಮಾನ್ಯ ಸಭೆಯ ಮುಂದೆ ಇಡುತ್ತಿದ್ದೇನೆ. ಇದೂ ಅಲ್ಲದೆ ಈ ಮಸೂದೆ ಬಹಳ ವರ್ಷಗಳಿಂದ ಚರ್ಚೆ ಆಗಿದ್ದು, ಖಾಸಗೀ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಪ್ರತಿನಿಧಿಗಳು ಯಾರಿದ್ದಾರೆ ಅವರನ್ನು ಇಂಟರ್‌ವ್ಯೂ ಮಾಡಿದ್ದೇವೆ. ಮತ್ತು ವಿದ್ಯಾ ಕ್ಷೇತ್ರದಲ್ಲಿ ಹೆಚ್ಚು ತಜ್ಞರಾಗಿರುವವರನ್ನು ಕರೆಯಿಸಿ ಅವರನ್ನು ಕೇಳಿದ್ದೇವೆ. ಹಾಗೂ ಆಂಧ್ರಪ್ರದೇಶ, ಕೇರಳ, ಪಶ್ಚಿಮ ಬಂಗಾಳ, ಮಹಾರಾಷ್ಟ್ರ, ತಮಿಳುನಾಡು—ಈ ಭಾಗಗಳಲ್ಲಿ ಸಂಚಾರ ಮಾಡಿ ಅಲ್ಲಿನ ತಜ್ಞರ ಅಭಿಪ್ರಾಯಗಳನ್ನೂ ಕೇಳಿದ್ದೇವೆ. ಅವರೆಲ್ಲರೂ ಈ ಬಗ್ಗೆ ಹೆಚ್ಚಿನ ಸಹಕಾರವನ್ನು ನೀಡಿ ಮಸೂದೆ ಅತ್ಯುತ್ತಮವಾಗುವುದಕ್ಕೆ ನೆರವನ್ನು ನೀಡಿದ್ದಾರೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ಅವರಿಗೂ ನನ್ನ ಧನ್ಯವಾದಗಳನ್ನು ಅರ್ಪಿಸುತ್ತೇನೆ. ಮತ್ತು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಸಹಕರಿಸಿ ಕೆಲಸ ಮಾಡಿದ ವಿರೋಧ ಪಕ್ಷಗಳ ಎಲ್ಲಾ ಸದಸ್ಯರಿಗೂ ಕೂಡಾ, ಅದರಲ್ಲೂ ತಮ್ಮ ಇತರ ಕೆಲಸಗಳನ್ನು ಬದಿಗೊತ್ತಿ ಈ ಬಗ್ಗೆ ಶ್ರಮವಹಿಸಿ ಒಂದು ಒಮ್ಮತದ ವರದಿ ಬರಲು ಕಾರಣರಾದ ತಮಗೂ ನನ್ನ ಧನ್ಯವಾದಗಳನ್ನು ಅರ್ಪಿಸುತ್ತೇನೆ. ಹಾಗೂ ಆಂಧ್ರ ಪ್ರದೇಶ, ತಮಿಳುನಾಡು ಹಾಗೂ ಇತರೆ ರಾಜ್ಯಗಳಿಗಿಂತಲೂ ಕೂಡ ಅಲ್ಲಿ ಯಾವುದು ಒಳ್ಳೆಯದು ಇದೆ ಅದನ್ನು ಇಲ್ಲಿ ಅಳವಡಿಸಿದ್ದೇವೆ. ಇದು ಕಾನೂನು ಆದರೆ ಬಹುಶಃ ಖಾಸಗಿ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಉಪಾಧ್ಯಾಯರ ಮತ್ತು ಈ ಇಲಾಖೆಯಲ್ಲಿ ಒಂದು ಉತ್ತಮವಾದ ಗುಣಮಟ್ಟವುಳ್ಳ ವಿದ್ಯಾಭ್ಯಾಸವನ್ನು ಮಕ್ಕಳಿಗೆ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಆ ಒಂದು ದೃಷ್ಟಿಯಿಂದ ಮಾನ್ಯ ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕರಾದಿಯಾಗಿ ಸದನದ ಎಲ್ಲಾ ಸದಸ್ಯರೂ ಇದಕ್ಕೆ ಒಮ್ಮತದ ಅಭಿಪ್ರಾಯವನ್ನು ಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri J. A. Fernandex (Nominated) :— Mr. Speaker, Sir, I thank you for the privilege given to me to speak here on the Comprehensive Education Bill. First of all, I would like to congratulate the Hon. Minister for Education, Shri B. Rachaiah, for bringing forward the long awaited Comprehensive Education Bill. If I may snbmit however it appears that this Bill is neither comprehensive nor educational in its construction. It deals more with the mechanics rather than with the dynamics of Education. It is perhaps more

administrative and bureaucratic – the language is also highly legalised and not intellible.

Since Independence, a number of high powered Committees and Commissions have been appointed to deal with every aspect of Education. One will surely remember the appointment of Commissions beginning with the University Commission headed by the great Philosopher–Statesmon, Dr. S. Radhakrishnan, our late President, followed by the Lakshmanaswamy Mudaliar Report on Secondary Education etc., and more recently the Kothari Commission which covered the entire spectrum of Educasion. We also have the Raj Commission Report on University Education in Karnataka State, which was appointed by our former Government. But one looks in vain for the educational insights which have been embodied in these powerful reports. Instead, the educational landscape is murky and full of uncertainities. There is frightening discontent at all levels - lack of purpose and direction frequently leading to a stoppage of work by both students and teachers – and outbursts of unrestrained violence.

One of the anomalies in the prssent Bill is the attempt to prevent private tuitions. This is easier said than done. This disease cannot be eradicated ; it can at best be controlled and any type of legislation which cannot be implemented is not legislation worth considering. The concept ot Education should be dealt with in totality, from the point of view of the Management, the Teaching and Administrative Staff and the Students.

The students want the creation of an atmosphere where there would be joy in learning ; the teachers need a salutary atmosphere where their creative teaching powers wood blossom and the entire educational complex shoul be able to contribute to an environment not merely of learning but of tolerance, fair play and a spirit of dedication for the social and economic regeneration of our Nation. Education is the lifeline of the Nation. Institution must have dedicated Staff, properly equipped Laboratories, Spacious playgrounds, good and properly ventilated classrooms – among other things.

In the more recent Kothari Commission Report, there are two salient features. They are the Common School Complex and the Neighbourhood Schools. The adoption of these ideals would have revolutionised the entire education system. But we are encouraging institutions whieh keep aloof from the general schools complex. I have no doubt that adequate provision will be made to ensure that minority institutions do not come under the purview of the Bill which I shall deal separately. It must be mentioned here that Minority Institutions should be considered on the basis of the children of the minority communities who should also obtain the benefit under Article 30 (1) of the Constitutions. Instead, I notice that there is greater emphasis on the protection of the Management of Minority Institutions rather than the employees and the students

for whome these institutions were primarily intended. If it is not possible to cover this adequately in the Bill may I suggest the appointment of a High Power Committee to study this very vital aspect of education which effects the minority institutions.

There is a proposal to eliminate Capitation Fees over a period which is a very progressive measure but it is very difficult to implement this in any of the private institutions. Recently there was a very enlightening Symposium of the Commercialisation of Education and this was brought out in all its sordid reality. The Government must clean up the augean stables of the educational system because corruption of the best is the worst type of corruption that one can come across. Corruption is also responsible in no small measure for student indiscipline.

We have education today without excellence and the life-giving waters are polluted at their very source. The language problem has been an explosive one and I won't deal with it here. But children should not learn languages to satisfy a political formula or to solve difficulties created by grownups. My own submission on the language issue is that the M.Ps Committee that was appointed some time ago felt that it was not necessary for students to learn three languages. The suggestion made by the MP's Committee that considered the Education Commission's recommendations recognised that not every Indian needed to learn three languages. They produced a Two Language Plus formula which would oblige every secondary school pupil to learn two languages, with an option to learn a third, for which facilities must be provided. Except that one of the languages should be Hindi or English. They would leave the choice of languages to the parents and the pupils. Grownups have too long made decisions for the young without running the risk of themselves having to do any of the learning. As Dr. Triguna Sen, a former Union Minister of Education aid in exasperation, when newer and newer proposals for increassing the language component in the curriculum were made ;

> "Ah well ; we shall not be children again, so I suppose we can prescribe this for the children"

I suggest, Mr. Speaker, Sir, that the Two Language Plus Formula which can easily work out to the satisfaction of all may be a suitable solution to the language issue in our State as far as it relates to the educational field. It is irrigational to oblige students to learn languages to satisfy a political formula and to solve difficulties that grownups have created. The most accepted way is to learn a language for identifiable needs. In the long run, the Two Language Plus pattern would eliminate certain ugly elements in our language situation, namely, the resistance to compulsion, the complaint against the language load and the hypocracy in implementing the three-language formula. It would be enough to learn

to relate the students choice of the languages to the needs of his career and the programmes of advanced studies he has in view.

I suggest, Mr. Speaker, Sir, that the two-language plus formula which could easily work out to the satisfaction of all in Karnataka State be implemented ; otherwise there will be a babel of tongues. Learn Kannada because it is the Regional Language ; learn Hindi because it is a National Language ; learn English because it is an International Language and learn Sanskrit because it is a divine language, and so on. There will never be an end to learning languages.

Coming now to the conditions of the Schools; most of those run by the Government are most depressing and deplorable. Many of the schools are located in congested areas with incessant traffic noise, pollution, narrow streets unhygienic surroundings, no proper playing fields or classroms, very poor all round facilities-not only to pupils but also for the staff. Inadequate staff-hardly any lab facilities etc. etc. In such an environment, it is almost impossible for young minds to absorb any education. Therefore, we must give priority to improve all these conditions. We need devoted and dedicated teachers ; otherwise, we will be criminally frittering away our human resources. The opening sentence of the Education Commission's Report ;

" The destiny of our country is being shaped in our Schools",

Today it is rather bleak with the prevailing conditions. It will be interesting to note that during the Coalition Government in England with Sir Winson Churchill as War time Prime Minister, they appointed an Education Commission in 1941 because they were looking ahead into the future, to a new age that would dawn after the war. As a result, Lord Butler (Tory) and Sir Bhuter Ede (Labour) were appointed to prepare a blueprint of Education for Post-War reconstruction. The result was the Gread Education Act of 1944 which provided for free education of all English children from the primary to the secondary stage. More recently, owing to pressure from students on the colleges and universities, the Lionel Robbins Committee had advocated and implemented the concept of "Open University" i.e., children who are unable to join as students in Colleges and universities could get themselves educated through correspondence courses, through Radio and T.V.

There is a hunger for knowledge-for improvement-for intellectual growth-which is inborn in all people which must be satisfied.

It is rather depressing news that we belong to the sixth poorest country. We are however rich in natural resources but there is proverty in human material. We have neglected the human potential. This must stop or we are in peril.

Summing up, I would like to state that for Karnataka, we should have the Two Language Plus Formula. This must be implemented as soon as possible.

Primary importance must be given to Education which has for long been a cindrella of the Government.

There must be adequate provision of funds for better schools, better salaries, better buildings etc.

I suggest the appointment of a high powered commission to look into the credentials of minority institutions-the co-ordination and expansion of collegiate education-quantitative expansion accompanied by qualitative improvement in the education field with freedom to parents and children to choose the medium of instruction at the school level.

Returning to the Edudation Bill, there are a few points which I would humbly submit for consideration :

Now, I come to Section 3 (2) (f). This section empowers the Government to regulate admission to educational institutions.

The right of the management of a minority institutions to admit students of its choice is specifically spelt out by the Supreme Court (Vide St. Xavier's College Case–AIR 1974 SC pp. 1389). In the context of this background, Section 3 (2) (f) offends against Article 30 of the Constitution. It is not open to say that the Rules in this connection are not yet frammed and therefore there is no invasion of the rights of minorities just yet. The Supreme Court has observed that as long as there is a possibility of an invasion of a right, one need not wait for its actual invasion (AIR 1974 S.C. 1389–Para 111) Section 7 (5) (b) reads ;

> "(5) In every recognised educational institution (b) no part of the working hours prescribed shall be utilised for any purpose other than instruction in accordance with the curricula"

The purpose of religious minorities establishing educational institutions and the place with religious instruction occupies in their educations is thus set out by the Supreme Court in St. Xavier's College case :

"The reason why the Constitution-makes were at pains to grant religious minorities the fundamental right to establish and administer educational institutions of their choice is to give the parents in those communities an opportunity to educate their children in institutions having an atmosphere which is congenial to their religion. Whatever be one's own predilections those who think that man does not live by bread alone but also by the word that comes from God cannot remain indifferent to the problem of religion in relation to and as part of education.

As a matter of fact, according to several religious minorities, the State maintains a system of schools and colleges which is not

completely satisfactory to them, in as much as no place is given to religion and morality: The sheer omission of religion from curriculum is itself a pressure against religion. Since they realise that the teaching of religion and instruction in the secular branches cannot rightfully or successfully be separated one from the other, they are compelled to maintain their own education as well as for religious instruction.

It is important to examine the raison d'etre of educational institutions administered by religious groups. Clearly, their establishment does not come about because of a deep conviction that such institutions will be able to teach the facts of literature, geography or mathematics better than State schools. Rather, such schools are started with a primarily religious objective to secure the opportunity for direct religious instruction and to develop a religious atmosphere and viewpoint even for the study of literature, geography and mathematics. In other words, a religious body establishes and maintains schools in order to create a total environment which will be favourable to the promotion of its particular religious values :

" It is perhaps possible to secularize subjects such as mathematics, physics and chemistry, but as Justice Jackson said :

" Music without sacred music, architecture minus the cathedral, or painting without the scriptural themes would be eccentri and incomplete, even from a secular point of view. Yet the inspirational appeal of religious in these guises is often stronger than in forth-right sermon. Even such a 'science' as biology raises the issue between evolution and creation as an explanation of our presence on this planet. But how one can teach wtth satisfaction or even with justice to all faiths such subjects as the story of the Reformation, the Inquisition is more than one can understand. It is too much to expect that mortals will teach subjects about which their contemporaries have passionate controversies with the detachment they may summon to teachings about remove subjects such as Confucious or Mohamet.

There are various other aspects which I will leave for the time-being.

Section 19 (2) reads :

" (2) Where in respect of any child an attendance order has been passed under section 17 and the only school which he can attend is an approved school under private management falling within sub-clause (b) of clause (3) of section 2, the School Board or the Director for Compulsory Primary Education may take such steps as he may think fit for the purpose of ensuring that the primary education which the child is to receive is free".

Provision is here made for ensuring that the primary education which a child receives in an approved school is free. The object

in making this provision is obviously in the public interest but as the Supreme Court has said, in order that a regulation should not offend against Article 30, it is not enough that it is conceived in the public interest-it must be conceived in the interests of the particular minority (AIR 1963, S. C. p. 540). This is not so here. Section 19 (2) is therefore bad for the minorities.

Section 31 (2) (a)

This is about the procedure for registration of educational institutions.

In the matter of establishing an educational institution, the 'need' has to be assessed not in the public interest but in the interests of the particular minority. (See AIR 1979 SC p. 83). Unless therefore it is specified that 'need' in relation to the establishment of a minority educational institution, is the 'need' of the particular community, Section 31 (2) (a) is bad.

Mr. Speaker.—Which page you are referring to ?

Sri J. A. Fernandez.—I am referring to Section 31 (2) (a) page 42 of the Bill.

Section 31 (2) (f) page 42 is too wide a clause. It should not trespass on minority rights.

Registration of institutions is made conditioned upon satisfying the requirements laid down by the Act and the Rules made thereunder. The application of such a condition in relation to a minority educational institution is too wide.

Shri K. H. Ranganath.—What is the intention of the Hon'ble Member in respect of Section 31 (a) ? What does he want ? He is reading the section and referring to the judgment. In what way is he referring to that ? What does he want to impress upon ?

Sri J. A. Fernandez.—I was suggesting that the following section of the Bill....

Sri K. H. Ranganath.—Are we to take it that he is not for that section ?

Sri J. A. Fernandez.—These sections should not apply to minority institutions.

Mr. Speaker.—He means to say that Article 30 comes in the way.

Sri J. A. Fernandez.—These are all violations of Art. 30.

Mr. Speaker.—Try to elaborate your point.

Sri J. A. Fernandez.—Is the Hon. Member referring to clause 31 (2) ?

Sri K. H. Ranganath.—In what way Clause 31 (a) is not helpful to religious minorities. If he were to explain that, that would be helpful to us. He may read the sections and some judgments. That is not going to hlep us.

Sri J. A. Fernandez.—I will be brief as I am suggesting the points.

Mr. Speaker.—Yon need not be brief. You must be inteligible so that we could also follow you.

Sri K. H. Ranganath.—Let the House know in what way clause 31 (a) is against Article 30 (1) of the Constitution and let us know it is not helpful to you. How does this sub section come in the way of Institutions of religious minorities ?

ಶ್ರೀ ಎಸ್. ಸೂರ್ಯನಾರಾಯಣರಾವ್.—ಇದರಲ್ಲಿ ಇರುವುದು ಇಷ್ಟೆ, ಯಾವುದು ಮೈನಾರಿಟಿ, ಯಾವುದು ಮೆಜಾರಿಟಿ ಎಂಬುದನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳಿದರೆ ಸಾಕು.

Sri K. H. Ranganath.—Let us know his mind. It is not as if we want to come in his way. Let the Hon. Member make his point quite clear as to how this particular section comes in the way of religious minorities institutions in respect of registering their institutions. Let him explain that. Otherwise, if he were just to say that these sections are against minorities, let him say so.

Sri J. A. Fernandez.—I do not follow the hon. Member.

Mr. Speaker.—I will make it very clear.

Sri J. A. Fernandez.—" That there is need for providing educational facilities to the people in the locality " I am referring to clause (31) (2) (a).

Mr. Speaker.—The Hon. Member wants to know in what way that sub section comes in the way of religious minorities. It is only a registration clause. Do you mean to say that there shall not be any registration for those institutions ?

Shri J. A. Fernandez.—I am referring to page 42, clause 31(2) (a). What I am trying to say is Minority Educational Institutions do not necessarily have to follow the point made out in section (a), that is:

> ".....that there is need for providing educational facilities to the people in the locality or for the type of education intended to be provided by the institution."

Shri K. H. Ranganath.—Is it the intention of the Hon. Member that the minorities do not need to make any application for registration ?

Shri J. A. Fernandez.—No, No. ".....the need for providing educational facilities.... "

Shri K. H. Ranganath.—Clause 31 reads thus :

> (1) Any local authority or any person or registered body of persons intending to :
>
> (a) establish an institution imparting education, or
>
> (b) maintain an institution imparting education established on or before the date of commencement of this Act and in existence on such date, shall make an application for registration....."

It is only an enabling section for making section an application for registration. Is it the contention of the Hon Member to say that an application need not be made in respect of institutions run by minorities or intended to be run by the minorities. If that is his intention, let him explain it as to how and in what form it affects the rights of minorities.

Sri J. A. Fernandez.—".... the need for providing educational facilities ....."

Mr. Speaker.—You said that Section 31(2) (a) and (f) are not in the interest of minority institutions. You please substantiate the point. That is all the question.

Sri J. A. Fernandez.—".....That there is need for providing educational facilities to the people in the locality or for the type of education intended to be provided by the institution ....." Our point is, while considering establishment of Institutions, the need has to be assessed not in the public interest but in the interest of the particular minority. That is the point I am making. I have quoted the AIR 1979.

Mr. Speaker.—Nobody questions the judgment of the Supreme Court nor your intentions but the only thing is we want to know what exactly is your intention.

Sri J. A. Fernandez.—Clause 31(2) (a) does not apply to minorities because minorities may not be in the locality to assess the need for establishment of an institution.

Sri K. H. Ranganath.—We would like to know how this particular section 31(a) (a) affects the rights of the minorities. Is it the contention of the Hon. member that he need not make any application ?

Sri Ramachondra Rao.—Mr. Fernandez is referring to clause 31(2) (a).

Mr. Speaker.—Yes, the hon. member is referring to clause 31(2) (a).

Sri J. A. Fernandez.—This Section has no relevance to minority institutions. I am referring now to Section 31(2) (f). Registration of Institutions is made a condition upon satisfying the rules made thereunder. The application of such conditions in respect of educational institutions is too wide. It should be limited to only such of the provisions of the Act or rules that do not trespass the rights of minorities. In Clause 31(5) it is stated as follows :

> "Where the registering authority fails within a period of three months from the date of receipt of the application to register the institution or to specify or extend the period for compliance under sub-section (3) the registration of the institution shall be deemed to have been refused."

This is a highly irregular clause and we take strong objection to it. It leads to corrupt practice. Our submission will be that 'registration shall be deemed to have been approved' and not 'refused'. This is a very important part of the bill.

Section 36(2) (a) reads as follows :

"A security deposit of the prescribed amount shall be made within the time specified."

By this, the granting of recognition to an educational institution is subject to a security deposit of the prescribed amount

The Madras High Court, on a survey of the Supreme Court rulings, has held that when a corporate body owning properties administers minority educational institutions, financial stability is assured. Compulsory deposits are also a strain and a burden on a minority institution, which will cripple the exercise of its fundamental rights under Art. 30(1). It is enough if the management is possessed of, or is assured of, adequate funds to run the Institution. (Judgment of the Madras High Court in Re. Society of the Brothers of the Sacred Heart of Jesus dated 12th December 1976).

Section 39(1) (a) on page 50 reads as follows :

"Where any local authority or the Governing Council of any private educational institution :

(a) fails to fulfil all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipment, syllabi, text books, appointment, punishment and dismissal of teachers."

Disciplinary control over the staff in a minority institution wholly rests with the administration of the particular institution. No outside agency can be brought in for this (AIR 1979 p. 52 and AIR 1980 SC p. 1042). Furthermore, the power to issue the orders referred to in Section 39(1) (a) is uncanalised and uncontrolled. It is therefore bad. Again clause (a) of Section 39 makes "failure to fulfil the conditions of recognition", as a ground for its withdrawal. Here again, it is to be noted that breach only of such of the conditions as are applicable to minority educational institutions would entail withdrawal of recognition, but not otherwise.

Section 41 (3) on page 53 is as follows :

"While recruiting the teaching and non-teaching employees, every recognised educational institution shall comply with the orders issued by the State Government from time to time for reservation of posts to Scheduled Castes, Scheduled Tribes and other backward classes of citizens and the weaker sections of people."

This should not apply to minority institutions. This clause should, therefore, be suitably amended.

Section 41(4) is as follows :

"The Governing Council shall have the power to appoint the head of the institution and also to take disciplinary action against him according to prescribed rules".

This is a very vague rule. This rule should not apply to minority institutions.

Sri P. Ramachandra Rao.—The Hon'ble Member may say as to why it has to be deleted.

Mr. Speaker.—Let us hear him, whatever he says. Then you can make your comments.

ಶ್ರೀ ಎಸ್. ಸೂರ್ಯನಾರಾಯಣರಾವ್.—ಮಾನ್ಯ ಸದಸ್ಯರು ಅಲ್ಪ ಸಂಖ್ಯಾತರಿಗೆ ಸಂಬಂಧ ಪಟ್ಟಂತೆ ಯಾವ ಯಾವ ಸೆಕ್ಷನ್‌ಗಳು ಇರುವುದು ಬೇಡ ಎಂದು ಹೇಳುತ್ತಿದ್ದಾರೋ ಆ ಬಗ್ಗೆ ಒಂದು ಸೈಕ್ಲೋಸ್ಟೈಲ್ ಮಾಡಿಸಿ ನಮಗೆ ಹಂಚುವುದು ಒಳ್ಳೆಯದು.

Shri J. A. Fernandez.—Section 48 on page 57 is as follows :

"Fees (1) Subject to any other law for the time-being in force, no Governing Council of a recognised educational institution shall levy or collect any fees or charges save such and at such rate and in such manner as may be prescribed".

This relates to levy or collection of fees or charges, donations or other payments. In regard to donations, however a minority instituti n can have them provided they are not made a condition for admission. Any rule in regard to such donations cannot trespass upon the minority's right to receive them. Section 48(1), so far as it relates to donations, is therefore bad, as against minorities (See Madras Case supra). Also, this provision is bad because the Government's right to make Rules in this connection is uncontrolled.

Section 49(2)

"The rules made under sub-section (1) may also require the institution receiving the grant to comply with any provision for the reservation of appointments or posts in favour of Scheduled Castes, Scheduled Tribes and any backward class subject to such modification, if any, which the State Government may make in the application of such provision to any class or classes of such institutions".

This makes the grant dependent on an educational institution complying with any provisions made for the reservation of appointment of posts in favour of S.C./S.T. and B Cs. As is already noted above, such reservations are bad under Article 30 of the Constitution, and to indirectly enforce such a provision by refusal to give grants, has been held by the Supreme Court to be constitutionally bad on the ground that one cannot do indirectly what it cannot do directly, "A minority cannot be put to the choice between the rock and the whirlpool". (See AIR 1958 SC 956 and AIR 1974 SC 1389). Apparently, the farmers of the Act were conscious of the above restrictions put by the Supreme Court in this matter, because

Section 49(2) is "subject to such modification, if any, which the State Government may make in the application of such provision to any class or classes of such institutions." The grievance of the minorities is that the benefit intended to be given to it is masked—it should be bared. The Commission feels that, if the interests of the S.C./S.T. and B.Cs. are so carefully guarded, similarly, in all fairness that should also be done in the case of minorities in the matter of the exercise of their rights under Art. 30.

Shri K. H. Ranganath.—I would like to know from the Hon'ble Member what criteria should be fixed in determining who is a minority, which is a minority institution and what type of minority institution it should be, whether it is linguistic minority or religious minority.

Mr. Speaker.—As per the Constitution.....

Shri K. H. Ranganath.—Constitution says Minorities can establish and administer educational institutions. Article 30 doesn't say beyond that. I would like to know through you Sir, whether the hon. member suggests any criteria to determine which is a minority institution and who is a minority.

Shri J. A Fernandez.—I cannot define a minority institution in the manner our hon. member has requested.

Shri K. H Rangath.—Because the hon. member is suggesting that Section 49(2) should not be made applicable to minorities I am asking this question. Tomorrow somebody may come and say that I am a minority and anybody may claim that the institution is a minority institution by making an application. Therefore, I would like to know whether the hon. member would suggest any criteria which determines the minority character so that the authorities questioning and could identify them as minority institutions which require protection under Article 30.

Mr. Speaker.—He has been claiming a very big bundle of rights under Article 30, because almost every section he has been suggesting to this House. On the contrary, he could have said which of the sections he accepts and leave the rest as not acceptable.

Shri K. H. Rangath.—That is a better suggestion. The hon. member has been suugesting and quoting number of decisions. I would request him through you Sir, whether he would suggest any criteria to indicate that such and such persons are minorities and their request will have to be considered under Article 30.

Shri J. A. Fernaudez.—In Karnataka State any community having less than 50% of the population may be considered as a minority.

Mr. Speaker.—If less than 50% of the total population of the State is taken, then every one of us is a minority.

Shri J. A. Fernandez.—Then, Sir, coming to Section 53-As noted earlier, reservation of posts for S.C./S.T. and B.Cs. is made a condition for the grant, which is bad. Failure to fulfil that condition or other conditions which are a trammel on Article 30 of the Constitution cannot therefore a ground for withholding, reducing or withdrawing grants. This provision therefore needs to be suitably amended.

Section 57. Sir, Section 57 as framed is bad under Article 30 because the power given to the State Government or the competent authority to cause inspection or enquiry in respect of educational institutions, is uncanalised and uncontrolled. The power may be controlled by suitable language, such as that used in clause (3) (b) of Sec. 57, namely, that the authority "has reason to believe" that something wrong or undesirable has happened or likely to happen in the educational institution, which requires interference. A power vested in an authority to the extent that it is uncanalised or uncontrolled has consistently been held to be bad under Article 30.

Section 87. This section, so fas as regards the power of the State Government to regulate disciplinary matters in private educational institutions is bad for a minority institution (See AIR 1979 SC. p. 52 & AIR 1980 SC 1042).

Section 94(6). Provision is here made empowering the competent authority to dispose of an appeal preferred under Clause (5) supra. Now, the mere giving of an opportunity for the parties to be heard does not make this provision good as against a minority institution, under Article 30 as long as the power to dispose of the appeal is uncanalised and uncontrolled. (See AIR 1979 SC 52; and AIR 1980 SC 1042).

Section 96(3)—Under this, the Educational Appellate Tribunal is given the same powers as are vested in a Court of Appeal under the Code of Civil Procedure.

Under the C.P.C. a Court of Appeal has the power "to confirm, modify or reverse" the Order of the Court below. It will be seen that, even under the C.P.C., the power to "modify or reverse" is not controlled or canalised. The mere fact that this power is exercised by a high judicial officer does not make it good under Art. 30. The Supreme Court in the St. Xavier's College Case AIR 1980 SC 1399) following the ruling of the Privy Council in the case of the Privy Council in the case of the Trustees of Roman Catholic Separate Classes for Ottawa vs Ottawa Corporation and others. 1917, AC. pp. 76 off, has observed that "the creation of the power and not its exercises, that is subject to objection and the objection would not be removed even though the powers conferred were never exercised at all.

Section 98(2)—This provision is bad for a minority institution. because such an institution has got the right under Article 30 to

choose its own teachers subject only to the limitation that he should have the academic qualifications laid down by the Rules. It is therefore not permissible for Government or any authority to travel beyond this and by Rules prescribe that vacancies should be filled by teachers who have been retrenched from other institutions, or again that this should be subject to reservation of quotas for SC/ST and B.Cs. This provision no doubt is conceived in the public interest and is laudable but as already noted above a regulatory measure under Art. 30 must be conceived in the interests of the particular minority and not in the interests of the general public.

Shri M. S. Krishnan.—Is it the view of the hon. Member that matters pertaining to employees who are there in the minority institutions like Professors, Teachers, Non-Teaching Staff—like pay scales, discipline etc., should be left to the Management ?

Shri J. A. Fernandez.—Sir, I would advice that some regulatory measure is necessary. It should be made a condition to all prospective English medium schools as also to existing ones that they must give scales of pay, allowances, triple benefit scheme as is now made available to all schools which are aided by the Government. These scales should also apply to the minority institution teaching/administrative staff and all other employees working there.

Shri M. S. Krishnan.—What about disciplinary proceedings ? Suppose a management terminated a person without reason or rhyme, there must be an authority by which the affected person could question action.

Shri J. A. Fernandez.—I have already mentioned about this in Section 98(2). I said a regulatory measure under Article 30 must be conceived in the interests of the staff. Also, the interests of the particular minority and not the interests of the public at large should be the criterion.

Sri J. A. Fernandez.—I have already mentioned about this in Section 98(2). I said a regulatory measure, under Article 30, must be conceived in the interests of the particular minority and not in the interests of the general public.

ಅಧ್ಯಕ್ಷರು.—ಒಬ್ಬ ಸದಸ್ಯರು ಮಾತನಾಡುವಾಗ ಮತ್ತೊಬ್ಬ ಸದಸ್ಯರು ಎದುರುಗಡೆ ನಿಂತು ಕೊಳ್ಳಬಾರದು. ಆದನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರಾದ ನಾರಾಯಣಕುಮಾರ್ ತಿಳಿದುಕೊಳ್ಳಬೇಕು.

ಶ್ರೀ ಜಿ. ನಾರಾಯಣಕುಮಾರ್ —ಮಾನ್ಯ ಸದಸ್ಯರು ಇಂಗ್ಲೀಷಿನಲ್ಲಿ ಏನೇನೋ ಬೈಯ್ಯುತ್ತಿದ್ದಾರೆ ಸ್ವಾಮಿ, ದಯವಿಟ್ಟು ಅವರ ಕನ್ನಡದಲ್ಲಿ ಮಾತನಾಡಬೇಕೆಂದು ತಾವು ಹೇಳಿ.

ಅಧ್ಯಕ್ಷರು.—ಅವರಿಗೆ ಕನ್ನಡ ಬರುವುದಿಲ್ಲ. ನೀವು ಏನು ಹೇಳುತ್ತೀರಿ ಎಂಬುದು ಅವರಿಗೆ ಗೊತ್ತಾಗುವುದಿಲ್ಲ

ಶ್ರೀ ಜಿ. ನಾರಾಯಣಕುಮಾರ್.—ಅವರು ಕನ್ನಡ ಕಲಿತುಕೊಳ್ಳಬೇಕು. ಅವರು ದಯವಿಟ್ಟು ಕನ್ನಡದಲ್ಲಿ ಮಾತನಾಡಬೇಕು.

ಅಧ್ಯಕ್ಷರು.—ಅವರಿಗೆ ಕನ್ನಡ ಬರುವುದಿಲ್ಲ, ಕನ್ನಡದಲ್ಲಿ ಹೇಗೆ ಮಾತನಾಡುತ್ತಾರೆ ?

ಶ್ರೀ ಜಿ. ನಾರಾಯಣಕುಮಾರ್.—ಏನು ಸ್ವಾಮಿ ತಾವು ಅಧ್ಯಕ್ಷರು ದೇವಾಲಯದಲ್ಲಿ ದೇವರು ಇದ್ದಹಾಗೆ. ನೀವು ನಮಗೆ ದೇವರು. ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಗೋಕಾಕ್ ವರದಿಯನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಜಾರಿಗೆ ತಂದಿದ್ದೇವೆಂದು ಹೇಳುತ್ತಾರೆ.

ಶ್ರೀ ಎಸ್. ಸೂರ್ಯನಾರಾಯಣರಾವ್.—ಈ ದೇಶದಲ್ಲಿ ಸಂವಿಧಾನವನ್ನು ಬದಲಾವಣೆ ಮಾಡುವುದಕ್ಕೆ ಆಗುತ್ತದೆಯೆ ?

ಶ್ರೀ ಜೆ. ನಾರಾಯಣಕುಮಾರ್.—ಮಾನ್ಯ ಸದಸ್ಯರು ದಯವಿಟ್ಟು ಕನ್ನಡದಲ್ಲಿ ಮಾತನಾಡ ಬೇಕು ?

Mr. Speaker.—Hon'ble Member Fernandez may please tell me how time you require.....

Sri J. A. Fernandez.—I may require another half-an-hour.

Mr. Speaker.—You can continue your speech tomorrow. Now the House stands adjourned to meet again tomorrow at 11-00 a.m.

[The House adjourned five of the clock to meet again on 27th March 1984 at 11 a.m.]

THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION (KARNATAKA AMENDMENT) BILL, 1984

(L.A. Bill No. 30 of 1984)

A Bill further to amend the Mysore Religious and Charitable) Inams Abolition Act, 1955.

Whereas it is expedient further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Thirty-fifth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Act, 1984.

(2) This section and section 8 shall come into force at once and the remaining provisions shall be deemed to have come into force on the first day of May, 1979.

2. **Insertion of new section 16, 17 and 18.**—After section 15 of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) (hereinafter referred as the principal Act), the following sections shall be inserted, namely :

"16. **Basic annual sum.**—A sum called "the basic annual sum" shall first be determined in respect of the inam.

17. **Component parts of basic annual sum of an inam.**—(1) The basic annual sum of an inam shall be the aggregate of the sums specified below, less the deductions specified in section 18, namely :—

(i) the whole of the average net annual income derived by the inamdar during a period of five years immediately proceeding the date of vesting from lands in respect of which any person is entitled to be registered under sections 4, 5 and 7 ;

(ii) the whole of the average net annual income derived by the inamdar during a period of five years immediately preceding the date of vesting from lands other than lands in respect of which any person is entitled to be registered under sections 4, 5, 7 and 8 :